

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 466 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

JASWANTBHAI H VANKAR

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR RM CHAUHAN, APP for Respondent No. 1

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 15/06/98

ORAL JUDGEMENT

Rule. Mr. Chauhan, learned APP waives service of the Rule.

The petitioner who is undergoing sentence for having committed the offences punishable under Sections 302 and 498-A of the Indian Penal Code , applied for furlough leave before the Jail Authority which has been rejected and hence he has filed the present petition.

Only ground on which the application of the petitioner has been rejected is that there is likelihood of breach of peace, if the petitioner is released on furlough. On going through the statements recorded by the police, it is clear that none of the witnesses has apprehended any breach of peace, if the petitioner is released on furlough. In that view of the matter, the report submitted by the police appears to be quite contrary to the statements of the witnesses.

In the result, this petition is allowed. The respondent Jail authorities are directed to consider and grant furlough due to the petitioner by passing appropriate orders. Rule is made absolute to the aforesaid extent with no order as to costs.

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